

“Federal Motor Carrier Safety Regulations Applicable to Custom Harvest Operations”

Title 49 Part 382: Applies to all CDL drivers including the seasonal CDL license issued to 18 year old drivers

Title 49 Part 383: (f) **Restricted CDL for certain drivers in farm-related service industries.**
(1) A State may, at its discretion, waive the required knowledge and skills tests of subpart H of this part and issue restricted CDL to employees of these designated farm-related service industries:

(f)(1)(i) Agri-chemical businesses;

(f)(1)(ii) Custom harvesters;

(f)(1)(iii) Farm retail outlets and suppliers;

(f)(1)(iv) Livestock feeders;

(f)(3)(v) Restricted CDL holders may not drive vehicles carrying any placardable quantities of hazardous materials, except for diesel fuel in quantities of 3,785 liters (1,000 gallons) or less; liquid fertilizers (i.e., plant nutrients) in vehicles or implements of husbandry in total quantities of 11,355 liters (3,000 gallons) or less; and solid fertilizers (i.e., solid plant nutrients) that are not transported with any organic substance

(f)(3)(iii) Restricted CDL holders are limited to operating Group B and C vehicles, as described in subpart F of this part

Title 49 Parts 387 & 173.220: **Financial responsibility of for-hire and Private carriers in interstate or foreign commerce: Require minimum insurance levels of \$1,000,000**

Internal combustion engines, self-propelled vehicles, mechanical equipment containing internal combustion engines, and battery powered vehicles or equipment.

(a) **Applicability.** An internal combustion engine, self-propelled vehicle, mechanized equipment containing an internal combustion engine, or a battery powered vehicle or equipment is subject to the requirements of this subchapter when transported as cargo on a transport vehicle, vessel, or aircraft if–

(a)(1) The engine or fuel tank contains a liquid or gaseous fuel. An engine may be considered as not containing fuel when the fuel tank, engine components, and fuel lines have been completely drained, sufficiently cleaned of residue, and purged of vapors to remove any potential hazard and the engine when held in any orientation will not release any liquid fuel;

(a)(2) It is equipped with a wet electric storage battery other than a non-spillable battery, or with a sodium or lithium battery; or [\[Change Notice\]](#) [\[Previous Text\]](#)

(a)(3) Except as provided in paragraph (d)(1) of this section, it contains other hazardous materials subject to the requirements of this subchapter.

[Title 49 Part 390:](#) No exceptions;

[Title 49 Part 391:](#) (a) **Farm custom operation.** The rules in this part do not apply to a driver who drives a commercial motor vehicle controlled and operated by a person engaged in custom-harvesting operations, if the commercial motor vehicle is used to—

(a)(1) Transport farm machinery, supplies, or both, to or from a farm for custom harvesting operations on a farm; or

(a)(2) Transport custom harvested crops to storage or market:

[Title 49 Part 392:](#) No exceptions;

[Title 49 Part 393:](#) No exceptions;

[Title 49 Part 395:](#) (k) **Agricultural operations.** The provisions of this part shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation:

(k)(1) Is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies, and

(k)(2) Is conducted during the planting and harvesting seasons within such State, as determined by the State

Interpretations: Question 31: Does the exception in [§395.1\(k\)](#) for "drivers transporting agricultural commodities or farm supplies for agricultural purposes" cover the transportation of poultry or poultry feed?

Guidance: No. The exception was created by Sec. 345(a)(1) of the National Highway System Designation Act of 1995 [Public Law 104-50, 109 Stat. 568, at 613], which provides in part that the hours of service regulations "shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes..." The terms "agricultural commodities or farm supplies for agricultural purposes" were not defined, but the context clarifies their meaning. Because the statute made the exception available only "during the planting and harvesting

seasons" in each State, Congress obviously intended to restrict it to agriculture in the traditional (and etymological) sense, i.e., the cultivation of fields. "Agricultural commodities" therefore means products grown on and harvested from the land, and "farm supplies for agricultural purposes" means products directly related to the growing or harvesting of agricultural commodities.

Drivers transporting livestock or slaughtered animals, or the grain, corn, hay, etc., used to feed animals, may not use the "agricultural operations" exception.

Title 49 Part 396: No exceptions;

Title 49 Part 397: No exceptions;

Title 49 Part 398: No exceptions;

Title 49 Part 399: No exceptions;

“Kansas Statutes Annotated (K.S.A.) Applicable to Custom Harvest Operations”

K.S.A. 8-2,147: Commercial drivers' licenses; farm custom harvesting operations; age.

(a) The division may issue a commercial driver's license to an applicant who is a resident of this state and who is at least 16 years of age for the operation of commercial class B and commercial class C motor vehicles for a farm custom harvesting operation. Any person applying for or who is issued a commercial driver's license under this section shall be subject to the provisions of K.S.A. 8-2,125 through 8-2,145, and amendments thereto.

(b) For the purpose of this section, "farm custom harvesting operations" means a person, firm, partnership, association or corporation engaged in farm custom harvesting operations if the motor vehicle is used to:

(1) Transport farm machinery, supplies, or both, to or from a farm, for custom harvesting operations on a farm; or

(2) Transport custom harvested crops only from a harvested field to initial storage or to initial market locations.

(c) The provisions of this section shall be a part of and supplemental to the Kansas uniform commercial drivers' license act.

K.S.A. 66-1,109: Regulation of motor carriers; exemptions of certain carriers, certain transporters and certain uses from act. This act shall not require the following carriers to obtain a certificate; license or permit from the commission or file rates, tariffs, annual reports or provide proof of insurance with the commission:

(o) The transporting of vehicles used solely in the custom combining business when being transported by persons engaged in such business;

K.S.A. 66-1,129: Motor carriers; safety rules and regulations adopted by commission; exceptions. (a) The commission shall adopt rules and regulations necessary to carry out the provisions of this act. No public motor carrier of property, household goods or passengers, or private motor carrier of property shall operate or allow the operation of any motor vehicle on any public highway in this state except within the provisions of the rules and regulations adopted by the commission. Rules and regulations adopted by the commission shall include:

(c) Any rules and regulations of the commission, adopted pursuant to this section, shall not apply to the following, while engaged in the carriage of intrastate commerce in this state:

(4) Persons operating motor vehicles which have an ad valorem tax situs in and are registered in the state of Kansas, and used only to transport grain from the producer to an elevator or other place for storage or sale for a distance of not to exceed 50 miles.

K.S.A. 8-2, 146: Seasonal commercial driver's license; conditions and limitations; definitions; rules and regulations.

(a) The division may issue to an applicant who is a resident of this state and who is at least 18 years of age a seasonal commercial driver's license for the operation of commercial class B and commercial class C motor vehicles. Any person applying for or who is issued a seasonal commercial driver's license shall be subject to the provisions of K.S.A. 8-2,125 through 8-2,145, and amendments thereto, except that an applicant shall not be required to pass a knowledge or skills test as required by subsection (a) of K.S.A. 8-2,133, and amendments thereto.

(b) Seasonal commercial drivers' licenses issued pursuant to subsection (a) shall allow the operation of commercial motor vehicles owned by the following specific farm-related service industries:

- (1) Farm retail outlets and suppliers;
- (2) agri-chemical businesses;
- (3) custom harvesters; and
- (4) livestock feeders.

KANSAS HARVEST INFORMATION

Harvest permits for Kansas can be obtained from: **Central Permit phone is: 785-271-3145 and Fax is: 785-271-3283**

Central Permit
1500 Arrowhead Road
Topeka, KS 66604-4027

Motor Carrier Stations
at **major** highways
upon entry into Kansas.

A form is provided to request permits for vehicles. The requested vehicle information must be complete and payment must accompany the application. Checks will be accepted. A permit will be issued for each vehicle and must be carried in the vehicle at all times.

The permit will be valid for 30 or 60 days. Permits may be obtained before harvest begins by giving a starting date. Indicate the 30 or 60 day period desired and the permit will be dated for that date.

OVERSIZE LOADS

An oversize permit is not required unless the load will travel Interstate highways. If you intend to travel Interstate highways an oversize permit may be obtained for \$10.00 and be valid from May 1 through November 15 and will need to remain in the vehicle for that period. It can be sold in combination with the harvest and fuel permits.

MAXIMUM OVERALL LENGTH

The maximum overall length of a truck and one trailer combination, loaded or unloaded, used in transporting a combine to be engaged in farm custom harvesting operations, is **75 feet**, exclusive of front and rear overhang and a permit will not be issued to exceed that limit.

International Fuel Tax Agreement (IFTA)

If you own a truck that:

Has two axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or;

Has three or more axles regardless of weight or;

Is used in combination with another vehicle and the combined weight exceeds 26,000 pounds gross vehicle weight.

You must be licensed with your base jurisdiction for IFTA or you must purchase a \$13.00 fuel trip permit each time you enter Kansas. Permits are valid as long as you remain in Kansas.

Kansas based farm registered trucks are required to purchase a \$26.00 harvest permit valid for 30 days and if they leave the confines of Kansas, a fuel permit upon re-entry into Kansas.

FEES FOR FOREIGN BASED CUSTOM HARVESTERS ARE:

	<u>30 Day</u>	<u>60 Day</u>
20,000 Pounds and under -----	\$26.00 -----	\$26.00 -----
20,001 Pounds to 24,000 Pounds -----	\$26.00 -----	\$32.83 -----
24,001 Pounds to 26,000 Pounds -----	\$39.00 -----	\$52.00 -----
26,001 Pounds to 30,000 Pounds -----	\$39.00 -----	\$52.00 -----
30,001 Pounds to 36,000 Pounds -----	\$46.88 -----	\$62.50 -----
36,001 Pounds to 42,000 Pounds -----	\$59.38 -----	\$79.17 -----
42,001 Pounds to 48,000 Pounds -----	\$75.63 -----	\$100.83 -----
48,001 Pounds to 54,000 Pounds -----	\$100.63 -----	\$134.17 -----
54,001 Pounds to 60,000 Pounds -----	\$126.25 -----	\$168.33 -----
60,001 Pounds to 66,000 Pounds -----	\$151.25 -----	\$201.67 -----
66,001 Pounds to 74,000 Pounds -----	\$191.88 -----	\$255.83 -----
74,001 Pounds to 80,000 Pounds -----	\$216.88 -----	\$289.17 -----
80,001 Pounds to 85,500 Pounds -----	\$241.88 -----	\$322.50 -----

Kansas requires the power unit to be registered for enough gross weight to cover the power unit, the load hauled and towed vehicle.

An additional fee of \$2.25 is charged if purchased through the County Treasurer and they do not sell fuel permits.

Motor fuel permits are \$13.00 and are in addition to the above fees.

VitalChek

Central Permit can take Mastercard, Visa and American Express by using VitalChek. There is an additional fee for use of this service and fees are \$7.00 up to \$285.00 after that it is 2.5 percent of the amount drawn. You can call Central Permit the information for your trucks. You will need a fax number so Central Permit can fax the permits back to you and a valid credit card.

MOTOR CARRIER INSPECTION STATIONS

STATION	LOCATION	PHONE NO.
#21W	*Wabaunsee (scales)	I-70, 1 mile west of McFarland Exit 785-765-3365
#22W	*Wabaunsee (scales)	I-70, 1 mile west of McFarland Exit 785-765-3360
#23	Caney (scales)	US-75 at state line 620-879-5352
#23W	*Olathe (scales)	I-35, 5 miles south of Olathe, MP 213 913-782-6773
#24W	Olathe (scales)	I-35, 5 miles south of Olathe, MP 213 913-782-4125
#26A	South Haven (scales)	South end of Turnpike, I-35 620-892-5249
#37A	Liberal	US-54, 5 miles east of Liberal..... 620-624-4431
#46	Kanorado (scales)	I-70 near Colorado State Line 785-399-2772
#58	Belleville (scales)	US-81, 1 mile south of Jct. US-36 785-527-5159

*** Must have proper permits before arriving at these stations.**

CUSTOM HARVESTING INFORMATION

1. All Federal Motor Carrier Safety Regulations (FMCSR's) apply to Custom Harvest Operations
2. Oversize permits are not required for farm implements transported during daylight hours on KS & U.S. Highways, only on the interstate system. K.S.A. 8-1911(a)
3. Overwidth permits (\$10.00) can be purchased that are valid from May 1 to November 15, for use on designated Interstate Highways with a maximum width of 14 feet, and can be included with the harvest permits. K.S.A.8-1911(c) and 8-1902
4. Intrastate Custom harvesters are required to display red warning flags, 12 inches square, on overwidth loads. K.S.A. 8-1715 and 36-1-36
5. Two combine headers may be transported side by side. Permits are required for Interstate travel. OVERSIZE LOAD sign, and flags required at all times. 36-1-36 8-1902(e)
6. Commercial Drivers License (CDL) is required for drivers of vehicles with GVWR in excess of 26,000 lbs. These are available at age 18 for interstate custom harvesters
7. Slow moving vehicle emblems must be covered when equipment is being transported if traveling at speeds in excess of 25 M.P.H K.S.A. 8-1717(h)
8. Kansas farm registered vehicles are required 30-day permits for custom harvesting operations and the fee is \$26.00 regardless of registered gross weight K.S.A. 8-143h
9. Kansas farm registered vehicles may only purchase a 30-day permit for the gross weight, which they are registered. They can raise the gross weight in the county they are registered
10. Vehicles towing trailers must have enough gross weight registration to cover everything hauled or towed. K.S.A. 8-142(7)
11. Trucks used in custom harvesting operations are required fuel permits if they meet certain requirements
12. If not using a Harvest Permit or having Apportioned Registration, you are required:
 - A. Out of state custom harvesters traveling through Kansas are subject to 72 hr. permits (\$26.00) and a fuel permit. K.S.A. 8-127(b) 79-34,118
 - B. Kansas custom harvesters returning to Kansas are subject to a fuel permits. 79-34,122(b)
 - C. Service vehicles with farm registration are required a 30 day permit and fuel permit (if applicable). K.S.A. 8-143h & 79-34,122(b)
13. County Courthouses can only sell 30 & 60 day permits. Fuel and oversize permits are available only at Motor Carrier Inspection Stations located along the Kansas borders and through the "Kansas Trucking Connection" at (785) 271-3145. Permits can be faxed or mailed to you before you enter Kansas. If you are in doubt, cannot find a station, or will not be going near one you need to contact the "Kansas Trucking Connection" at (785) 271-. 3145. Drivers can be cited for not having proper permits and fined up to \$500.00. K.S.A. 66-1324
14. When two trailers are towed both trailers must be equipped with lights and brakes
15. Overwidth permits will not be issued for towing implements of husbandry on the Interstate system. (Grain carts, etc.) K.D.O.T. Oversize policy

INFORMATION NEEDED FOR KANSAS HARVEST PERMITS

COMPANY NAME _____
ADDRESS _____
CITY/STATE/ZIP _____
PHONE NUMBER _____ FAX NUMBER _____

INDICATE 30 or 60 DAY PERIOD WITH START DATE OF: _____

VEHICLE #1 Year _____ Make _____ VIN # _____ (Last 5 digits) License Plate # _____ State _____

Gross Weight requested in Kansas _____

Fee from schedule _____ No. Motor Fuel Permits _____ @ \$13.00 each Total axles on power unit _____

Do not fill in oversize information unless you will travel the interstate.

OVERSIZE: Item hauling _____ Length _____ Width _____ Height _____ **Fee \$10.00**

VEHICLE #2 Year _____ Make _____ VIN # _____ (Last 5 digits) License Plate # _____ State _____

Gross Weight requested in Kansas _____

Fee from schedule _____ No. Motor Fuel Permits _____ @ \$13.00 each Total axles on power unit _____

Do not fill in oversize information unless you will travel the interstate.

OVERSIZE: Item hauling _____ Length _____ Width _____ Height _____ **Fee \$10.00**

VEHICLE #3 Year _____ Make _____ VIN # _____ (Last 5 digits) License Plate # _____ State _____

Gross Weight requested in Kansas _____

Fee from schedule _____ No. Motor Fuel Permits _____ @ \$13.00 each Total axles on power unit _____

Do not fill in oversize information unless you will travel the interstate.

OVERSIZE: Item hauling _____ Length _____ Width _____ Height _____ **Fee \$10.00**

VEHICLE #4 Year _____ Make _____ VIN # _____ (Last 5 digits) License Plate # _____ State _____

Gross Weight requested in Kansas _____

Fee from schedule _____ No. Motor Fuel Permits _____ @ \$13.00 each Total axles on power unit _____

Do not fill in oversize information unless you will travel the interstate.

OVERSIZE: Item hauling _____ Length _____ Width _____ Height _____ **Fee \$10.00**

VEHICLE #5 Year _____ Make _____ VIN # _____ (Last 5 digits) License Plate # _____ State _____

Gross Weight requested in Kansas _____

Fee from schedule _____ No. Motor Fuel Permits _____ @ \$13.00 each Total axles on power unit _____

Do not fill in oversize information unless you will travel the interstate.

OVERSIZE: Item hauling _____ Length _____ Width _____ Height _____ **Fee \$10.00**

VEHICLE #6 Year _____ Make _____ VIN # _____ (Last 5 digits) License Plate # _____ State _____

Gross Weight requested in Kansas _____

Fee from schedule _____ No. Motor Fuel Permits _____ @ \$13.00 each Total axles on power unit _____

Do not fill in oversize information unless you will travel the interstate.

OVERSIZE: Item hauling _____ Length _____ Width _____ Height _____ **Fee \$10.00**